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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Docket No.:  
Serial No.: Group Art Unit:  
Filing Date: Examiner:  
For:

*Conc. Wk 10/15/04*  
**DECLARATION OF SHERMAN FONG, Ph.D. UNDER 37 C.F.R. § 1.132**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Sherman Fong, Ph.D. declare and say as follows: -

1. I was awarded a Ph.D. in Microbiology by the University of California at Davis, CA in 1975.
2. After postdoctoral training and holding various research positions at Scripps Clinic and Research Foundation, La Jolla, CA, I joined Genentech, Inc., South San Francisco, CA in 1987. I am currently a Senior Scientist at the Department of Immunology/Discovery Research of Genentech, Inc.
3. My scientific Curriculum Vitae is attached to and forms part of this Declaration.
4. I am familiar with the Mixed Lymphocyte Reaction (MLR) assay, which has been used by me and others under my supervision, to test the immune stimulatory or immune inhibitory activity of novel polypeptides discovered in Genentech's Secreted Protein Discovery Initiative project.
5. The MLR assay is a well known and widely used proliferative assay of T-cell function, the basic protocols of which are described, for example, in Current Protocols in Immunology Vol. 1, Richard Coico, Series Ed., John Wiley & Sons, Inc., 1991, Unit 3.12. (Exhibit A). This publication is incorporated by reference in the description of the MLR protocol in the present application.